

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROBERT KENNY,

Plaintiff,

v.

PACIFIC INVESTMENT MANAGEMENT
COMPANY LLC, a Delaware limited liability
company; PIMCO INVESTMENTS LLC,

Defendant.

No. 2:15-cv-02037-RSM

**STIPULATION OF DISMISSAL WITH
PREJUDICE AND WITHDRAWAL OF
ALL PENDING MOTIONS**

STIPULATION OF DISMISSAL
WITH PREJUDICE AND
WITHDRAWAL OF PENDING
MOTIONS
(No. CV 14-1987-RSM)

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Plaintiff Robert Kenny (“Plaintiff”) and Defendants Pacific Investment Management Company LLC and PIMCO Investments LLC (collectively, “Defendants”), through their undersigned counsel of record, hereby stipulate and agree as follows:

The parties hereby withdraw from the Court’s consideration their pending cross-motions for summary judgment and all briefing, declarations, exhibits, and supporting materials offered in support thereof. For the avoidance of doubt, pursuant to LCR 5(g)(6), in light of their withdrawal, the parties request that material currently filed under seal remain sealed. The docket entries withdrawn from consideration are ECF Nos. 151, 152, 153, 154, 155, 156, 157, 160, 161, 162, 163, 165, 169, 177, 178, 179, 180, 181, 185, 187, 188, 189, 192, 193, 194, 195, 196, 198, 199, 202, 203, 204, 205, 207, 208, 211, and 231.

The parties further stipulate and agree that, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), this action should be, and hereby is, dismissed with prejudice and without costs awarded by the Court to any party.

Although the parties agree that this stipulation of dismissal is effective “without a court order,” Fed. R. Civ. P. 41(a)(1)(A), a proposed Order is enclosed in light of the parties’ withdrawal of their cross-motions for summary judgment.

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DATED this 8th day of August, 2018.

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 By: s/ Tana Lin
 By: s/ Laura R. Gerber
 By: s/ Ian Mensher
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[PROPOSED] ORDER

Pursuant to stipulation by the parties, and for good cause shown:

1. The parties' pending cross-motions for summary judgment and all briefing, declarations, exhibits, and supporting materials offered in support thereof are hereby **WITHDRAWN** from consideration, including ECF Nos. 151, 152, 153, 154, 155, 156, 157, 160, 161, 162, 163, 165, 169, 177, 178, 179, 180, 181, 185, 187, 188, 189, 192, 193, 194, 195, 196, 198, 199, 202, 203, 204, 205, 207, 208, 211, and 231.

2. Any material referenced in paragraph (1) that was filed under seal shall **REMAIN SEALED** and shall not be unsealed.

3. The case is **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

IT IS SO ORDERED this ____ day of ____ 2018.

Hon. Ricardo S. Martinez
United States District Judge

Presented by:

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By: s/ Tana Lin

By: s/ Laura R. Gerber

By: s/ Ian Mensher

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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses indicated on the Court's Electronic Mail Notice List.

s/ Tana Lin

Tana Lin, WSBA #35271

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